

House Bill 1120 (AS PASSED HOUSE AND SENATE)

By: Representatives Scott of the 2nd, Knight of the 126th, Graves of the 12th, Fludd of the 66th, Neal of the 1st, and others

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 48-8-49 of the Official Code of Georgia Annotated, relating to dealers' sales and use tax returns, so as to change certain provisions regarding estimated tax liability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-49 of the Official Code of Georgia Annotated, relating to dealers' sales and use tax returns, is amended by striking subsection (b) and inserting in its place a new subsection (b) to read as follows:

"(b)(1) As used in this subsection, the term 'estimated tax liability' means a dealer's tax liability, adjusted to account for any subsequent change in the state sales and use tax rate, based on the dealer's average monthly payments for the last fiscal year.

(2) If the estimated tax liability of a dealer for any taxable period exceeds ~~\$2,500.00~~ \$5,000.00, the dealer shall file a return and remit to the commissioner not less than 50 percent of the estimated tax liability for the taxable period on or before the twentieth day of the period. The amount of the payment of the estimated tax liability shall be credited against the amount to be due on the return required under subsection (a) of this Code section. This subsection shall not apply to any dealer unless during the previous fiscal year the dealer's monthly payments exceeded ~~\$2,500.00~~ \$5,000.00 per month for three consecutive months or more nor shall this subsection apply to any dealer whose primary business is the sale of motor fuels who is remitting prepaid state tax under paragraph (2) of subsection (b) of Code Section 48-9-14. No local sales taxes shall be included in determining any estimated tax liability."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.